

**Notice of Allowability**

Application No.

10/763,436

Examiner

Michael P. Ferguson

Applicant(s)

WEGER ET AL.

Art Unit

3679

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview 31 July 2006, amendment 16 May 2006.

2. ☒ The allowed claim(s) is/are 1,3 and 13-18.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 07/31/06.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael D. Cushion on July 31, 2006.

The application has been amended as follows:

In claim 1, in line 2 after "variously sized" deleted "standard outer diameters" and replaced with --outer diameters and an axial length--.

In claim 1, in line 7 before "outer diameters" deleted "standard".

In claim 1, in line 11 after "variously sized" deleted "standard".

In claim 1, in line 20 after "along the adaptable inner surface" inserted --parallel to the axial length of the cylindrical members--.

In claim 1, in line 21 after "having variously sized" deleted "standard outer diameters" and replaced with --outer diameters, each set of corresponding grip bumps or combination of grip bumps of the first and second clamp halves defining contact points corresponding to and engageable with a different sized outer diameter of said cylindrical members--.

In claim 3, in line 5 after "variously sized" deleted "standard".

In claim 3, in line 7 after "variously sized" deleted "standard".

Canceled claims 4-12, 19 and 20.

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In claim 13, in line 2 after "variously sized" deleted "standard outer diameters" and replaced with --outer diameters and an axial length--.

In claim 13, in line 6 after "axially extending grip bumps" inserted --extending parallel to the axial length of the cylindrical members and--.

In claim 13, in line 7 after "variously sized" deleted "standard".

In claim 13, in line 12 after "extending grip bumps" inserted --extending parallel to the axial length of the cylindrical members and--.

In claim 13, in line 13 after "having variously sized" deleted "standard outer diameters" and replaced with --outer diameters, each set of corresponding grip bumps or combination of grip bumps of the first and second clamp halves defining contact points corresponding to and engageable with a different sized outer diameter of said cylindrical members--.

2. The following is an examiner's statement of reasons for allowance:

As to claim 1, Dunklee (US 3,419,942) discloses the claimed adjustable clamp assembly with the exception of wherein the adaptable inner surface of each clamp half includes a plurality of grip bumps extending axially along the adaptable inner surface parallel to the axial length of the cylindrical members and projecting radially inward to provide size adjustment capability for cylindrical members having variously sized outer diameters, each set of corresponding grip bumps or combination of grip bumps of the first and second clamp halves defining contact points corresponding to and engageable with a different sized outer diameter of the cylindrical members.

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As to claim 13, Dunklee discloses the claimed adjustable clamp assembly with the exception of comprising a first clamp half having an adaptable inner surface having a plurality of transverse, axially extending grip bumps extending parallel to the axial length of the cylindrical members and projecting radially inward for mating engagement with cylindrical members having variously sized outer diameters; and a second clamp half having an adaptable inner surface having a plurality of transverse, axially extending grip bumps extending parallel to the axial length of the cylindrical members and projecting radially inward for mating engagement with cylindrical members having variously sized outer diameters, each set of corresponding grip bumps or combination of grip bumps of the first and second clamp halves defining contact points corresponding to and engageable with a different sized standard outer diameter of the cylindrical members.

There is no teaching or suggestion, absent the applicants' own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the adjustable clamp assembly as disclosed by Dunklee to have the above mentioned elemental features.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
MPF  
07/31/06



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